

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF FLORIDA

THIRD AMENDED STANDING ORDER NO. 9

Attorney Fees in Chapter 13

IN ORDER TO fairly compensate attorneys providing competent representation of debtors in cases filed under Chapter 13, to provide fair treatment to creditors receiving payments under Chapter 13 plans, and to limit the administrative burdens placed on the court, the trustee, and on attorneys, the following guidelines and procedures are hereby adopted regarding the payment of attorney's fees for debtors in Chapter 13 cases filed in the Northern District of Florida after the effective date of this order.

1) Attorney's fees, excluding costs, in the amount of \$2,500.00 shall be considered "normal and customary" in "routine" cases under Chapter 13 and may be paid, either by pre-petition retainer, through the plan, or through a combination of the two, without further application to the court.

2) A "routine" case will normally be one in which the attorney prepares and files the petition, lists, schedules, plan and all other required documents; attends the § 341 meeting of creditors; attends the hearing on confirmation; prepares and serves notices of valuation pursuant to Local Bankruptcy Rule 3012-1 B; prepares and serves motions to avoid liens pursuant to § 522(8); negotiates adequate protection agreements, if necessary, for one automobile and for the homestead; and files uncontested objections to claims.

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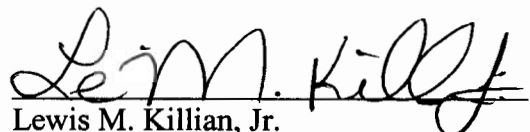
3) If an attorney seeks fees in excess of \$2,500.00, he/she shall file an application in accordance with 11 U.S.C. §330 and Local Bankruptcy Rule 2016-(B)(2). Such application shall be supported by contemporaneous time records and shall specifically identify services required to comply with the provisions BAPCPA. Applications for additional fees may be considered by the Court without a hearing on 20 days negative notice to the trustee and parties in interest. Additional fees will not be awarded based on excessive time caused by the inefficient use of the attorney's time or the lack of cooperation by the debtor.

4) The United States Trustee or Chapter 13 trustee may object to payment of the normal and customary fee in any case in which it appears that such fee is excessive based on the amount of income available to fund a plan, the nature and the amount of debt dealt with in the plan or other cause shown. The court may, sua sponte, or at the request of the Chapter 13 trustee, reduce the fees to be paid to the attorney under a plan if confirmation is delayed more than one time due to the lack of diligence by the attorney in preparation for confirmation.

5) Attorney fees may be paid by the Chapter 13 trustee ahead of payments to other creditors except that payment of regular mortgage payments on the debtor's homestead if provided for under the plan, and payment of adequate protection to creditors holding automobile liens shall be made prior to any payment of attorney's fees.

6) This order supercedes the Second Amended Standing Order No. 9 dated September 9, 2003.

DONE AND ORDERED at Tallahassee, Florida this 10th day of November, 2005.


Lewis M. Killian, Jr.
U.S. Bankruptcy Judge